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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 KIA CHEVALIER,  
12 Plaintiff,  
13 v.  
14 SUTTER HOTEL, et al.,  
15 Defendants.  
16 \_\_\_\_\_/

No. C-07-0401 MMC

**ORDER DENYING PLAINTIFF'S MOTION  
FOR LEAVE TO FILE MOTION FOR  
RECONSIDERATION; VACATING  
HEARING**

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18 Before the Court is plaintiff Kia Chevalier's "Motion for Reconsideration of the Order  
19 of Judge Chesney, March 5, 2008 (Order Denying Plaintiff's Motion to Strike &/; Vacating  
20 Hearing)," filed March 19, 2008, which filing the Court construes as a motion for leave to file  
21 a motion for reconsideration. See Civil Local Rule 7-9(a) (providing "[n]o party may notice  
22 a motion for reconsideration without first obtaining leave of Court to file the motion").

23 Plaintiff seeks reconsideration of the Court's March 5, 2008 order based on the  
24 existence of new facts, including the fact that plaintiff did not receive a copy of defendant  
25 Oakland Sutter's opposition to plaintiff's motion to strike, filed February 12, 2008, at the  
26 time it was filed. (See Pl.'s Mot. for Reconsideration Ex. A at 1.)<sup>1</sup> By the instant filing,  
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28 <sup>1</sup> Plaintiff states that she subsequently, on February 27, 2008, obtained a copy of  
the opposition. (See id.) The deadline for plaintiff to file a reply to the opposition was  
February 28, 2008. Plaintiff does not explain why she did not, upon obtaining a copy of the  
opposition on February 27, 2008, seek an extension of such deadline at that time.

1 plaintiff presents her argument in reply to said opposition. (See id. at 2.)

2 Assuming, arguendo, the circumstances described by plaintiff could justify  
3 reconsideration, plaintiff's reply would not have affected, and does not affect, the factual  
4 basis or reasoning on which the Court's March 5, 2008 order relied. Specifically, plaintiff's  
5 argument does not alter the underlying facts that plaintiff's motion to strike was not filed  
6 until January 25, 2008, and, as such, was untimely, (see Order Denying Pl.'s Mot. to Strike  
7 at 2:6-8), that the Clerk of Court has not entered default against Oakland Sutter, (see id. at  
8 2:9-15), or that defense counsel represents only Oakland Sutter in the instant action, (see  
9 id. at 2:25-3:1). Further, plaintiff presents no legal authority contrary to the Court's  
10 reasoning.

11 Accordingly, plaintiff's motion is hereby DENIED.<sup>2</sup>

12 **IT IS SO ORDERED.**

13 Dated: March 24, 2008

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15 MAXINE M. CHESNEY  
16 United States District Judge  
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<sup>2</sup> The April 23, 2008 hearing on the matter is hereby VACATED.